

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:14-cv-00109-APM**

LONG et al v. IMMIGRATION AND CUSTOMS
ENFORCEMENT et al
Assigned to: Judge Amit P. Mehta
Cause: 05:552 Freedom of Information Act

Date Filed: 01/29/2014
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

SUSAN B. LONG

represented by **Scott Lawrence Nelson**
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Plaintiff

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TERMINATED: 10/20/2015

V.

Defendant

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Defendant

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Date Filed	#	Docket Text
01/29/2014	<u>1</u>	COMPLAINT against CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Filing fee \$ 400 receipt number 0090-3605500) filed by SUSAN B. LONG, DAVID BURNHAM. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Attorney General, # <u>3</u> Summons United States Attorney, # <u>4</u> Summons Immigrations & Customs Enforcement, # <u>5</u> Summons Customs & Border Protection)(Patterson, Jehan) (Entered: 01/29/2014)
01/29/2014		Case Assigned to Judge John D. Bates. (kb) (Entered: 01/29/2014)
01/29/2014	<u>2</u>	ELECTRONIC SUMMONS (4) Issued as to CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. Attorney

		and U.S. Attorney General (Attachments: # <u>1</u> Consent Form, # <u>2</u> Notice of Consent)(kb) (Entered: 01/29/2014)
02/17/2014	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/30/2014. Answer due for ALL FEDERAL DEFENDANTS by 3/1/2014. (Patterson, Jehan) (Entered: 02/17/2014)
02/25/2014	<u>4</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 02/25/2014)
02/25/2014		MINUTE ORDER: Upon consideration of <u>4</u> the government's consent motion for an extension, and the entire record herein; it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that the government shall answer or otherwise respond to <u>1</u> plaintiffs' complaint by not later than April 2, 2014. SO ORDERED. Signed by Judge John D. Bates on 2/25/2014. (lcjdb1) (Entered: 02/25/2014)
02/27/2014		Set/Reset Deadlines: Answer due by 4/2/2014. (tb,) (Entered: 02/27/2014)
04/02/2014	<u>5</u>	ANSWER to Complaint by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT.(Ross, Carl) (Entered: 04/02/2014)
04/03/2014	<u>6</u>	ORDER setting schedule. See text of Order for details. Signed by Judge John D. Bates on 4/3/2014. (lcjdb1) (Entered: 04/03/2014)
04/04/2014		Set/Reset Deadlines: Proposed Briefing Schedule due by 4/24/2014. (tb,) (Entered: 04/04/2014)
04/24/2014	<u>7</u>	Consent MOTION for Extension of Time to File by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 04/24/2014)
04/25/2014		MINUTE ORDER: Upon consideration of <u>7</u> defendants' consent motion for an extension, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that the parties shall file a joint proposed briefing schedule (or separate proposals, if they cannot agree) by not later than April 28, 2014. SO ORDERED. Signed by Judge John D. Bates on 4/25/2014. (lcjdb1) (Entered: 04/25/2014)
04/28/2014		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 4/28/2014. (tb,) (Entered: 04/28/2014)
04/28/2014	<u>8</u>	Joint MOTION for Briefing Schedule by DAVID BURNHAM, SUSAN B. LONG (Attachments: # <u>1</u> Text of Proposed Order)(Patterson, Jehan) (Entered: 04/28/2014)
04/28/2014	<u>9</u>	ORDER granting <u>8</u> the parties' joint motion for a briefing schedule. See text of Order for details. Signed by Judge John D. Bates on 4/28/2014. (lcjdb1) (Entered: 04/28/2014)
04/28/2014		Set/Reset Deadlines: Cross Motions due by 10/3/2014. Response to Cross Motions due by 11/3/2014. Reply to Cross Motions due by 12/3/2014. Summary Judgment motions due by 8/18/2014. Response to Motion for Summary Judgment due by 10/3/2014. Reply to Motion for Summary Judgment due by 11/3/2014. Vaughn Index due by 6/18/2014, (tb,) (Entered: 04/28/2014)
06/18/2014	<u>10</u>	Vaughn Index <i>Notice of Filing of Vaughn Index</i> . (Attachments: # <u>1</u> Vaughn Index)(Ross, Carl) (Entered: 06/18/2014)
07/17/2014	<u>11</u>	Joint MOTION for Scheduling Order by DAVID BURNHAM, SUSAN B. LONG (Attachments: # <u>1</u> Text of Proposed Order)(Patterson, Jehan) (Entered: 07/17/2014)
07/18/2014		MINUTE ORDER: Upon consideration of <u>11</u> the parties' joint motion to amend the briefing schedule in this case, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that defendants shall supplement their Vaughn index and, if applicable, their non-exempt disclosures by not later than

		August 5, 2014; it is further ORDERED that defendants' motion for summary judgment shall be filed by not later than August 25, 2014; it is further ORDERED that plaintiffs' opposition and cross-motion for summary judgment shall be filed by not later than October 10, 2014; it is further ORDERED that defendants' opposition and reply shall be filed by not later than November 10, 2014; and it is further ORDERED that plaintiffs' reply shall be filed by not later than December 10, 2014. SO ORDERED. Signed by Judge John D. Bates on July 18, 2014. (lcjdb1) (Entered: 07/18/2014)
07/21/2014		Set/Reset Deadlines: Cross Motions due by 10/10/2014. Response to Cross Motions due by 11/10/2014. Reply to Cross Motions due by 12/10/2014. Summary Judgment motions due by 8/25/2014. Response to Motion for Summary Judgment due by 10/10/2014. Reply to Motion for Summary Judgment due by 11/10/2014. Vaughn Index due by 8/5/2014, (tb,) (Entered: 07/21/2014)
08/04/2014	<u>12</u>	Consent MOTION for Extension of Time to File by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 08/04/2014)
08/04/2014		MINUTE ORDER: Upon consideration of <u>12</u> defendants' consent motion for an extension, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that defendants shall file a supplemental Vaughn Index by not later than August 12, 2014. SO ORDERED. Signed by Judge John D. Bates on August 4, 2014. (lcjdb1) (Entered: 08/04/2014)
08/05/2014		Set/Reset Deadline: Defendants shall file a Supplemental Vaughn Index by 8/12/2014. (jth) (Entered: 08/05/2014)
08/12/2014	<u>13</u>	Vaughn Index <i>Supplemental Vaughn Index</i> . (Attachments: # <u>1</u> Supplemental Vaughn Index)(Ross, Carl) (Entered: 08/12/2014)
08/22/2014	<u>14</u>	Consent MOTION for Extension of Time to File by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 08/22/2014)
08/25/2014		MINUTE ORDER: Upon consideration of <u>14</u> defendants' consent motion for an extension, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that defendants shall file their motion for summary judgment by not later than September 29, 2014; it is further ORDERED that plaintiffs shall file their opposition and cross-motion for summary judgment by not later than November 3, 2014; it is further ORDERED that defendants shall file their opposition and reply by not later than December 12, 2014; and it is further ORDERED that plaintiffs shall file their reply by not later than January 12, 2015. SO ORDERED. Signed by Judge John D. Bates on August 25, 2014. (lcjdb1) (Entered: 08/25/2014)
08/25/2014		Set/Reset Deadlines: Cross Motions due by 11/3/2014. Response to Cross Motions due by 12/12/2014. Reply to Cross Motions due by 1/12/2015. Summary Judgment motions due by 9/29/2014. Response to Motion for Summary Judgment due by 11/3/2014. Reply to Motion for Summary Judgment due by 12/12/2015. (tb,) (Entered: 08/25/2014)
09/26/2014	<u>15</u>	Consent MOTION for Extension of Time to File by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 09/26/2014)
09/26/2014		MINUTE ORDER: Upon consideration of <u>15</u> defendants' consent motion for an extension, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that defendants shall file their motion for summary judgment by not later than October 2, 2014; it is further ORDERED that plaintiffs shall file their opposition and cross-motion for summary judgment by not later than November 6, 2014; it is further ORDERED that defendants shall file their opposition and reply by not later than December 15, 2014; and it is further ORDERED that plaintiffs shall file their reply by not later than January 15, 2015. SO ORDERED. Signed by Judge John D. Bates on 9/26/14. (lcjdb1) (Entered: 09/26/2014)
09/30/2014		Set/Reset Deadlines: Defendants Motion for Summary Judgment is due by 10/2/2014; Plaintiffs Opposition and Cross-Motion for Summary Judgment is due by 11/6/2014;

		Defendants Cross–Opposition and Reply is due by 12/15/2014; Plaintiffs Cross–Reply is due by 1/15/2015. (jth) (Entered: 09/30/2014)
10/01/2014	<u>16</u>	Consent MOTION for Extension of Time to File by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 10/01/2014)
10/01/2014		MINUTE ORDER: Upon consideration of <u>16</u> defendants' consent motion for an extension, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that defendants shall file their motion for summary judgment by not later than October 9, 2014; it is further ORDERED that plaintiffs shall file their opposition and cross–motion for summary judgment by not later than November 13, 2014; it is further ORDERED that defendants shall file their opposition and reply by not later than December 22, 2014; and it is further ORDERED that plaintiffs shall file their reply by not later than January 22, 2015. SO ORDERED. Signed by Judge John D. Bates on 10/1/14. (lcjdb1) (Entered: 10/01/2014)
10/03/2014		Set/Reset Deadlines: Cross Motions due by 11/13/2014. Response to Cross Motions due by 12/22/2014. Reply to Cross Motions due by 1/22/2015. Summary Judgment motions due by 10/9/2014. Response to Motion for Summary Judgment due by 11/13/2014. Reply to Motion for Summary Judgment due by 12/22/2014. (tb,) (Entered: 10/03/2014)
10/09/2014	<u>17</u>	MOTION for Summary Judgment by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Attachments 1 – 26 to Exhibit 2, # <u>4</u> Attachment 27 to Exhibit 2, # <u>5</u> Attachment 28 to Exhibit 2, # <u>6</u> Exhibit 3, # <u>7</u> Text of Proposed Order)(Ross, Carl) (Entered: 10/09/2014)
11/13/2014	<u>18</u>	Cross MOTION for Summary Judgment by DAVID BURNHAM, SUSAN B. LONG (Attachments: # <u>1</u> Declaration of Jehan A. Patterson, # <u>2</u> Declaration of Susan B. Long, # <u>3</u> Declaration of Paul C. Clark, # <u>4</u> Declaration of Michael Hasan, # <u>5</u> Text of Proposed Order)(Patterson, Jehan) (Entered: 11/13/2014)
11/13/2014	<u>19</u>	Memorandum in opposition to re <u>17</u> MOTION for Summary Judgment filed by DAVID BURNHAM, SUSAN B. LONG. (Attachments: # <u>1</u> Declaration of Jehan A. Patterson, # <u>2</u> Declaration of Susan B. Long, # <u>3</u> Declaration of Paul C. Clark, # <u>4</u> Declaration of Michael Hasan, # <u>5</u> Text of Proposed Order)(Patterson, Jehan) (Entered: 11/13/2014)
12/19/2014	<u>20</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>18</u> Cross MOTION for Summary Judgment , <u>17</u> MOTION for Summary Judgment by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 12/19/2014)
12/22/2014		MINUTE ORDER: Upon consideration of <u>20</u> defendants' consent motion for an extension of time, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; it is further ORDERED that defendants shall file any opposition to plaintiffs' cross–motion for summary judgment by not later than January 12, 2015; and it is further ORDERED that plaintiffs shall file any reply to defendants' opposition by not later than February 27, 2015. SO ORDERED. Signed by Judge John D. Bates on 12/22/2014. (lcjdb4) (Entered: 12/22/2014)
12/24/2014		Case randomly reassigned to Judge Amit P. Mehta. Judge John D. Bates no longer assigned to the case. (gt,) (Entered: 12/24/2014)
12/30/2014		Set/Reset Deadlines: Defendants shall file their Reply in support of their Motion for Summary Judgment and Opposition to Plaintiffs' Cross–Motion for Summary Judgment by 1/12/2015; Plaintiffs shall file any Reply in support of their Cross–Motion for Summary Judgment by 2/27/2015. (jth) (Entered: 12/30/2014)
01/09/2015	<u>21</u>	NOTICE of Appearance by Scott Lawrence Nelson on behalf of All Plaintiffs (Nelson, Scott) (Entered: 01/09/2015)
01/12/2015	<u>22</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>18</u> Cross MOTION for Summary Judgment , <u>17</u> MOTION for Summary Judgment by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS

		ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 01/12/2015)
01/14/2015	<u>23</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>18</u> Cross MOTION for Summary Judgment , <u>17</u> MOTION for Summary Judgment by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 01/14/2015)
01/28/2015	<u>24</u>	Vaughn Index <i>Supplemental Vaughn Index</i> . (Attachments: # <u>1</u> Vaughn Index, # <u>2</u> Vaughn Index)(Ross, Carl) (Entered: 01/28/2015)
01/28/2015	<u>25</u>	Memorandum in opposition to re <u>18</u> Cross MOTION for Summary Judgment filed by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Exhibit 1 – Wilson Supp Decl, # <u>2</u> Exhibit to Wilson Decl, # <u>3</u> Exhibit 2 – Pineiro Supp Decl, # <u>4</u> Exhibit to Pineiro Decl, # <u>5</u> Exhibit to Pineiro Decl, # <u>6</u> Response to Pl Statement of Facts, # <u>7</u> Def Statement of Facts)(Ross, Carl) (Entered: 01/28/2015)
02/04/2015		MINUTE ORDER granting, nunc pro tunc to January 12, 2015, <u>22</u> Consent Motion for Extension of Time to File Response/Reply; and nunc pro tunc to January 14, 2015, <u>23</u> Consent Motion for Extension of Time to File Response/Reply. Defendant's <u>25</u> Memorandum in Opposition that was filed on January 28, 2015 shall be considered timely. It is further ordered that Plaintiffs' Reply is to be filed on or before March 16, 2015. Signed by Judge Amit P. Mehta on 02/04/2015. (lcapm1) (Entered: 02/04/2015)
03/10/2015	<u>26</u>	Consent MOTION for Extension of Time to File Response/Reply <i>Reply in Support of Cross–Motion for Summary Judgment</i> by DAVID BURNHAM, SUSAN B. LONG (Attachments: # <u>1</u> Text of Proposed Order)(Nelson, Scott) (Entered: 03/10/2015)
03/12/2015		MINUTE ORDER granting <u>26</u> Consent Motion for Extension of Time to File Response/Reply. It is further ordered that Plaintiffs' Reply in Support of Plaintiffs' Cross–Motion for Summary Judgment is to be filed on or before March 30, 2015. Signed by Judge Amit P. Mehta on 03/12/2015. (lcapm1) (Entered: 03/12/2015)
03/12/2015		ENTERED IN ERROR.....MINUTE ORDER vacating the initial scheduling conference previously set for 03/12/2015. Signed by Judge Amit P. Mehta on 03/12/2015. (lcapm1) Modified on 3/12/2015 (tth). (Entered: 03/12/2015)
03/12/2015		Set/Reset Deadlines: Reply to Cross Motions due by 3/30/2015. (sm) (Entered: 03/12/2015)
03/12/2015		NOTICE OF CORRECTED DOCKET ENTRY: re MINUTE ORDER was entered in error. (tth) (Entered: 03/12/2015)
03/30/2015	<u>27</u>	REPLY to opposition to motion re <u>18</u> Cross MOTION for Summary Judgment filed by DAVID BURNHAM, SUSAN B. LONG. (Attachments: # <u>1</u> Declaration Second Declaration of Susan B. Long, # <u>2</u> Declaration Second Declaration of Paul Clark, # <u>3</u> Declaration Second Declaration of Michael Hasan, # <u>4</u> Statement of Facts Response to Defendants' Statement of Facts)(Nelson, Scott) (Entered: 03/30/2015)
10/20/2015	<u>28</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to DAVID BURNHAM, SUSAN B. LONG. Attorney Jehan A. Patterson terminated. (Patterson, Jehan) (Entered: 10/20/2015)
10/20/2015		Set/Reset Deadlines/Hearings: Oral Argument re <u>17</u> , <u>18</u> Cross Motions for Summary Judgment set for 10/28/2015 at 2:00 PM in Courtroom 10 before Judge Amit P. Mehta. (cdw) (Entered: 10/20/2015)
10/28/2015		Minute Entry for proceedings held before Judge Amit P. Mehta: Motion Hearing held on 10/28/2015 re <u>17</u> <u>18</u> Cross Motions for Summary Judgment. Motions heard and taken under advisement. (Court Reporter: Barbara DeVico) (cdw) (Entered: 10/28/2015)
12/14/2015	<u>29</u>	MEMORANDUM OPINION AND ORDER granting in part and denying in part <u>17</u> Defendants' Motion for Summary Judgment and granting in part and denying in part <u>18</u> Plaintiffs' Cross–Motion for Summary Judgment. It is further ordered that, within 30 days of this date, Defendants shall be permitted to supplement their summary

		judgment briefing with additional evidence that supports their assertions that (1) disclosure of metadata and database schema "could reasonably be expected to risk circumvention of the law" under Exemption 7(E) and (2) they have conducted an adequate search for records in response to FOIA Request III. Thereafter, within seven days, Plaintiffs shall notify the court if they intend to challenge the newly submitted evidence, and if so, the parties shall propose a briefing schedule. Signed by Judge Amit P. Mehta on 12/14/2015. (lcapm2) (Entered: 12/14/2015)
01/13/2016	<u>30</u>	Consent MOTION for Extension of Time to <i>submit supplemental evidence</i> by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 01/13/2016)
01/14/2016		MINUTE ORDER granting <u>30</u> Motion for Extension of Time to Submit Supplemental Evidence. It is further ordered that Defendants shall submit supplemental evidence in support of Defendants' Motion for Summary Judgment on or before January 20, 2016. Signed by Judge Amit P. Mehta on 01/14/2016. (lcapm1) (Entered: 01/14/2016)
01/14/2016		Set/Reset Deadlines/Hearings: Defendants' Supplemental evidence due by 1/20/2016. (cdw) (Entered: 01/15/2016)
01/19/2016	<u>31</u>	Consent MOTION for Extension of Time to <i>Comply with the Court's December 14, 2015 Order</i> by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 01/19/2016)
01/20/2016		MINUTE ORDER granting <u>31</u> Defendants' Consent Motion for Extension of Time. Defendants shall submit supplemental evidence in support of their Motion for Summary Judgment on or before February 2, 2016. The court further orders that, on or before February 17, 2016, Plaintiffs shall notify the court if they intend to challenge the newly submitted evidence, and if so, the parties shall propose a briefing schedule. Signed by Judge Amit P. Mehta on 01/20/2016. (lcapm2) (Entered: 01/20/2016)
01/21/2016		Set/Reset Deadlines: Defendants shall submit supplemental evidence in support of their Motion for Summary Judgment by 2/2/2016. Plaintiffs shall notify the court by 2/17/2016 if they intend to challenge the newly submitted evidence, and if so, the parties shall propose a briefing schedule. (jth) (Entered: 01/21/2016)
02/02/2016	<u>32</u>	NOTICE of Supplemental Evidence by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT re <u>29</u> Memorandum & Opinion,,, (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Ross, Carl) (Entered: 02/02/2016)
02/17/2016	<u>33</u>	Joint MOTION for Briefing Schedule <i>Joint Motion for Supplemental Briefing Schedule</i> by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 02/17/2016)
02/18/2016		MINUTE ORDER granting <u>33</u> Joint Motion for Supplemental Briefing Schedule. Defendants shall file their supplemental memorandum on or before March 18, 2016; Plaintiffs shall file their supplemental memorandum and any supporting materials on or before April 18, 2016; and Defendants shall file any reply on or before May 9, 2016. Signed by Judge Amit P. Mehta on 02/18/2016. (lcapm2) (Entered: 02/18/2016)
02/19/2016		Set/Reset Deadlines: Defendants' Supplemental Brief due by 3/18/2016. Plaintiffs' Supplemental Brief due by 4/18/2016. Defendants' Replies due by 5/9/2016. (zmm) (Entered: 02/19/2016)
03/17/2016	<u>34</u>	Consent MOTION for Extension of Time to File by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 03/17/2016)
03/18/2016		MINUTE ORDER granting <u>34</u> Defendants' Consent Motion for Extension of Time and setting the following schedule for further proceedings: Defendants shall file their supplemental memorandum on or before April 1, 2016; Plaintiffs shall file their supplemental memorandum and any supporting materials on or before May 2, 2016; Defendants shall file their reply to Plaintiffs' supplemental memorandum, if any, on or before May 23, 2016. Signed by Judge Amit P. Mehta on 03/18/2016. (lcapm2)

		(Entered: 03/18/2016)
03/18/2016		Set/Reset Deadlines/Hearings: Defendants supplemental memorandum due by 4/1/2016. Plaintiffs supplemental memorandum due by 5/2/2016. Defendants reply due by 5/23/2016. (cdw) (Entered: 03/18/2016)
04/01/2016	<u>35</u>	SUPPLEMENTAL MEMORANDUM to re <u>17</u> MOTION for Summary Judgment filed by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT. (Ross, Carl) (Entered: 04/01/2016)
04/01/2016	42	MOTION for Summary Judgment by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (To view document see docket entry <u>35</u>)(zrdj) (Entered: 01/26/2017)
04/22/2016	<u>36</u>	Consent MOTION for Extension of Time to File Response/Reply to <i>Defendants' Supplemental Brief</i> by DAVID BURNHAM, SUSAN B. LONG (Attachments: # <u>1</u> Text of Proposed Order)(Nelson, Scott) (Entered: 04/22/2016)
04/25/2016		MINUTE ORDER granting <u>36</u> Consent Motion for Extension of Time to File Response/Reply. It is further ordered that Plaintiffs shall file their supplemental memorandum and any supporting materials on or before May 20, 2016; and Defendants shall file their reply to Plaintiffs' supplemental memorandum, if any, on or before June 10, 2016. Signed by Judge Amit P. Mehta on 04/25/2016. (lcapm1) (Entered: 04/25/2016)
04/26/2016		Set/Reset Deadlines: Plaintiffs' Supplemental Brief due by 5/20/2016. Reply due by 6/10/2016. (zmm) (Entered: 04/26/2016)
05/20/2016	<u>37</u>	SUPPLEMENTAL MEMORANDUM to re <u>35</u> Supplemental Memorandum filed by DAVID BURNHAM, SUSAN B. LONG. (Attachments: # <u>1</u> Declaration Third Declaration of Susan B. Long, # <u>2</u> Declaration Third Declaration of Paul Clark)(Nelson, Scott) (Entered: 05/20/2016)
06/09/2016	<u>38</u>	Consent MOTION for Extension of Time to File Response/Reply by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 06/09/2016)
06/10/2016		MINUTE ORDER granting <u>38</u> Defendants' Consent Motion for Extension of Time. Defendant shall file its Reply in Support of its Supplemental Memorandum on or before June 24, 2016. Signed by Judge Amit P. Mehta on 06/10/2016. (lcapm2) (Entered: 06/10/2016)
06/24/2016	<u>39</u>	Consent MOTION for Extension of Time to File Response/Reply by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Ross, Carl) (Entered: 06/24/2016)
06/28/2016		MINUTE ORDER granting <u>39</u> Defendants' Consent Motion for Extension of Time. Defendants shall file their Reply in Support of its Supplemental Memorandum on or before July 1, 2016. Signed by Judge Amit P. Mehta on 06/28/2016. (lcapm2) (Entered: 06/28/2016)
06/28/2016		Set/Reset Deadlines/Hearings: Defendants' replies due by 7/1/2016. (cdw) (Entered: 06/29/2016)
07/01/2016	<u>40</u>	REPLY to opposition to motion re <u>17</u> MOTION for Summary Judgment <i>Defendants' Opposition to Plaintiffs' Supplemental Cross-Motion and Reply</i> filed by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Exhibit 1)(Ross, Carl) (Entered: 07/01/2016)
01/18/2017	<u>41</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Melanie Dyani Hendry on behalf of All Defendants Substituting for attorney Carl Ross (Hendry, Melanie) (Entered: 01/18/2017)
01/26/2017		MINUTE ORDER. Pursuant to the telephone conference held on January 26, 2017, the parties shall file supplemental briefing on the following question: Whether there remains a "reasonable" risk of a security breach given Plaintiffs' claim that Defendants previously disclosed samples of the requested information. Defendants shall file their Supplemental Brief on or before February 21, 2017, and Plaintiffs shall file their Response on or before March 3, 2017. Each brief shall be limited to 10 pages. Signed

		by Judge Amit P. Mehta on 01/26/2017. (lcapm1) (Entered: 01/26/2017)
01/26/2017		Minute Entry for proceedings held before Judge Amit P. Mehta: Telephone Conference held on 1/26/2017. (cdw) (Entered: 01/27/2017)
01/26/2017		Set/Reset Deadlines/Hearings: Defendants' supplemental brief due by 2/21/2017. Plaintiffs' response due by 3/3/2017. (cdw) (Entered: 01/27/2017)
02/17/2017	<u>43</u>	Consent MOTION for Extension of Time to File <i>Supplemental Brief</i> by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Hendry, Melanie) (Entered: 02/17/2017)
02/17/2017		MINUTE ORDER granting Defendants' <u>43</u> Consent Motion for Extension of Time to File Supplemental Brief. Defendants' Supplemental Brief is now due on or before February 28, 2017. Plaintiffs' Supplemental Brief is due on or before March 10, 2017. No further extensions will be permitted absent extraordinary circumstances. Signed by Judge Amit P. Mehta on 02/17/2017. (lcapm1) (Entered: 02/17/2017)
02/17/2017		Set/Reset Deadlines/Hearings: Defendants' Supplemental Brief due by 2/28/2017. Plaintiffs' Supplemental Brief due by 3/10/2017. (cdw) (Entered: 02/22/2017)
02/28/2017	<u>44</u>	SUPPLEMENTAL MEMORANDUM to filed by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Declaration)(Hendry, Melanie) (Entered: 02/28/2017)
03/10/2017	<u>45</u>	SUPPLEMENTAL MEMORANDUM to re <u>18</u> Cross MOTION for Summary Judgment , <u>17</u> MOTION for Summary Judgment filed by DAVID BURNHAM, SUSAN B. LONG. (Attachments: # <u>1</u> Declaration Fourth Declaration of Susan B. Long)(Nelson, Scott) (Entered: 03/10/2017)
03/27/2017		MINUTE ORDER directing the parties to file a Joint Status Report by April 6, 2017, stating (1) whether the parties intend to submit their dispute to mediation, and (2) if so, what time limit, if any, they wish to place on such mediation. If either party determines prior to April 6, 2017, that mediation will not occur, then that party must inform opposing counsel and the court. Signed by Judge Amit P. Mehta on 03/27/2017. (lcapm1) (Entered: 03/27/2017)
03/27/2017		Set/Reset Deadlines/Hearings: Joint Status Report due by 4/6/2017. (cdw) (Entered: 03/28/2017)
04/06/2017	<u>46</u>	Joint STATUS REPORT by DAVID BURNHAM, SUSAN B. LONG. (Nelson, Scott) (Entered: 04/06/2017)
04/06/2017		MINUTE ORDER: In light of the parties' <u>46</u> Joint Status Report, the court orders the parties to submit another Joint Status Report on or before May 4, 2017, updating the court on the parties' effort to settle this matter and stating whether the parties wish for the court to appoint a mediator. Signed by Judge Amit P. Mehta on 04/06/2017. (lcapm1) (Entered: 04/06/2017)
04/06/2017		Set/Reset Deadlines/Hearings: Joint Status Report due by 5/4/2017. (cdw) (Entered: 04/09/2017)
05/04/2017	<u>47</u>	Joint STATUS REPORT <i>re Mediation</i> by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT. (Hendry, Melanie) (Entered: 05/04/2017)
09/29/2017	<u>48</u>	MEMORANDUM OPINION AND ORDER granting in part and denying in part Defendant's <u>17</u> Motion for Summary Judgment and denying in full Plaintiffs' <u>18</u> Cross-Motion for Summary Judgment. The parties are ordered to appear for a status hearing on October 12, 2017, at 11:00 a.m., in Courtroom 10. See the attached Memorandum Opinion and Order for additional details. Signed by Judge Amit P. Mehta on 09/29/2017. (lcapm1) (Entered: 09/29/2017)
09/29/2017		Set/Reset Deadlines/Hearings: Status Conference set for 10/12/2017 at 11:00 AM in Courtroom 10 before Judge Amit P. Mehta. (zcdw) (Entered: 09/29/2017)
10/13/2017		MINUTE ORDER setting an evidentiary hearing for January 17–18, 2018, to begin at 10:30 a.m. in Courtroom 10. The parties are directed to meet and confer to set a date

		for the mutual exchange of exhibits. In a Joint Status Report to be filed on or before October 19, 2017, the parties shall inform the court of (1) the date for the mutual exchange of exhibits, and (2) whether the date of the evidentiary hearing presents a conflict for any witness. In the event of a scheduling conflict as to the evidentiary hearing, the parties are directed to coordinate with one another to find three dates on which both parties and all witnesses are available and to include those proposed dates in the Joint Status Report filed on October 19, 2017. Signed by Judge Amit P. Mehta on 10/13/2017. (lcapm1) (Entered: 10/13/2017)
10/19/2017	<u>49</u>	Joint STATUS REPORT by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT. (Hendry, Melanie) (Entered: 10/19/2017)
10/20/2017		MINUTE ORDER: In light of the parties' <u>49</u> Joint Status Report, the court resets the evidentiary hearing in this matter to January 24–25, 2018, at 10:00 a.m. in Courtroom 10. Absent leave of court, the parties shall exchange exhibits no later than 30 days prior to the hearing. Signed by Judge Amit P. Mehta on 10/20/2017. (lcapm1) (Entered: 10/20/2017)
10/20/2017		Set/Reset Deadlines/Hearings: Evidentiary Hearing reset for 1/24/2018 and 1/25/2018 at 10:00 AM in Courtroom 10 before Judge Amit P. Mehta. (zcdw) (Entered: 10/20/2017)
12/20/2017	<u>50</u>	NOTICE <i>Concerning Hearing Dates</i> by DAVID BURNHAM, SUSAN B. LONG (Nelson, Scott) (Entered: 12/20/2017)
01/05/2018	<u>51</u>	NOTICE <i>Second Notice Concerning Hearing Dates</i> by DAVID BURNHAM, SUSAN B. LONG (Nelson, Scott) (Entered: 01/05/2018)
01/16/2018		MINUTE ORDER. In light of the representations made by the parties on this date concerning one of the government's witnesses scheduled to appear at the evidentiary hearing, the court hereby vacates the evidentiary hearing currently set for January 24–25, 2018. The parties are directed to file a Joint Status Report on or before February 15, 2018, that updates the court and proposes new dates for an evidentiary hearing. Signed by Judge Amit P. Mehta on 01/16/2018. (lcapm1) (Entered: 01/16/2018)
01/16/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 2/15/2018. (zcdw) (Entered: 01/17/2018)
02/15/2018	<u>52</u>	Joint STATUS REPORT by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT. (Hendry, Melanie) (Entered: 02/15/2018)
02/21/2018		MINUTE ORDER. Per the parties' joint request in their <u>52</u> Joint Status Report, the evidentiary hearing in this matter will be held on May 8 and 9, 2018, beginning at 9:45 a.m. in Courtroom 10. Mr. Onello is permitted to testify on May 9, 2018. Defendants need not make a pre-hearing disclosure of the substance of Mr. Onello's testimony—discovery in FOIA litigation is rarely granted—unless he intends to provide evidence that is materially in conflict with any prior affidavit submitted by Defendants in support of summary judgment. In that event, Mr. Onello shall disclose by affidavit his expected testimony. Signed by Judge Amit P. Mehta on 02/21/2018. (lcapm1) (Entered: 02/21/2018)
02/21/2018		Set/Reset Deadlines/Hearings: Evidentiary Hearing set for 5/8/2018 and 5/9/2018 at 9:45 AM in Courtroom 10 before Judge Amit P. Mehta. (zcdw) (Entered: 02/22/2018)
05/07/2018	<u>53</u>	NOTICE of Appearance by Jane M. Lyons on behalf of All Defendants (Lyons, Jane) (Entered: 05/07/2018)
05/08/2018		Minute Entry for proceedings held before Judge Amit P. Mehta: Evidentiary Hearing begun and held on 5/8/2018. Evidentiary Hearing continued to 5/9/2018 at 9:30 AM in Courtroom 10 before Judge Amit P. Mehta. Defendant's Witness: Tadgh Smith. Plaintiff's Witness: Susan Long. (Court Reporter: William Zaremba) (zcdw) (Entered: 05/10/2018)
05/09/2018		Minute Entry for proceedings held before Judge Amit P. Mehta: Evidentiary Hearing resumed and concluded on 5/9/2018. Oral Motion by the plaintiff to offer Dr. Paul

		Clark as an expert witness in the area of computer network security and design, heard and granted. Plaintiff's Witnesses: Susan Long and Dr. Paul Clarke. (Court Reporter: William Zaremba) (zcdw) (Entered: 05/11/2018)
05/09/2018	<u>54</u>	Exhibit List by DAVID BURNHAM, SUSAN B. LONG re the Evidentiary Hearing held on May 8 and 9, 2018. (zcdw) (Entered: 05/12/2018)
05/10/2018		MINUTE ORDER. Pursuant to the evidentiary hearing held on May 8 and 9, 2018, the schedule for further proceedings in this matter is as follows: (1) Defendant shall file a status report on or before May 16, 2018, that notifies the court regarding whether it wishes to present any supplemental evidence; (2) the parties' supplemental memoranda shall be due on or before July 6, 2018, and shall not exceed 15 pages; and (3) oral argument is set for July 27, 2018, at 10:00 a.m. in Courtroom 10. Signed by Judge Amit P. Mehta on 05/10/2018 (lcapm1) (Entered: 05/10/2018)
05/10/2018		Set/Reset Deadlines/Hearings: Defendant's status report due by 5/16/2018. Parties' supplemental memorandum due by 7/6/2018. Oral Argument set for 7/27/2018 at 10:00 AM in Courtroom 10 before Judge Amit P. Mehta. (zcdw) (Entered: 05/14/2018)
05/16/2018	<u>55</u>	STATUS REPORT by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Tadgh A. Smith Resume)(Hendry, Melanie) (Entered: 05/16/2018)
05/31/2018	<u>56</u>	<p>TRANSCRIPT OF REDACTED EVIDENTIARY HEARING PROCEEDINGS before Judge Amit P. Mehta held on May 8, 2018; Page Numbers: 1–209. Date of Issuance: May 31, 2018. Court Reporter/Transcriber: William Zaremba; Telephone number: (202) 354–3249. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, PDF or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 6/21/2018. Redacted Transcript Deadline set for 7/1/2018. Release of Transcript Restriction set for 8/29/2018.(wz) (Entered: 05/31/2018)</p>
05/31/2018	<u>57</u>	<p>TRANSCRIPT OF EVIDENTIARY HEARING PROCEEDINGS before Judge Amit P. Mehta held on May 9, 2018; Page Numbers: 1–153. Date of Issuance: May 31, 2018. Court Reporter/Transcriber: William Zaremba; Telephone number: (202) 354–3249. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, PDF or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 6/21/2018. Redacted Transcript Deadline set for 7/1/2018. Release of Transcript Restriction set for 8/29/2018.(wz) (Entered: 05/31/2018)</p>

05/31/2018	<u>58</u>	SEALED TRANSCRIPT OF EVIDENTIARY HEARING PROCEEDINGS before Judge Amit P. Mehta held on May 8, 2018; Page Numbers: 1–209. Court Reporter/Transcriber: William Zaremba; Telephone number: (202) 354–3249. (This document is SEALED and only available to authorized persons.)(zrdj) (Entered: 06/04/2018)
06/29/2018	<u>59</u>	Consent MOTION for Extension of Time to File <i>Supplemental Memoranda</i> by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT (Hendry, Melanie) (Entered: 06/29/2018)
06/29/2018		MINUTE ORDER granting Defendants' <u>59</u> Consent Motion for Extension of Time. The parties' supplemental memoranda shall now be due on or before July 13, 2018. Signed by Judge Amit P. Mehta on 06/29/2018. (lcapm1) (Entered: 06/29/2018)
06/29/2018		Set/Reset Deadlines: Supplemental Memoranda due by 7/13/2018. (zjd) (Entered: 06/29/2018)
07/13/2018	<u>60</u>	SUPPLEMENTAL MEMORANDUM to (<i>Post–Evidentiary Hearing</i>) filed by CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT. (Hendry, Melanie) (Entered: 07/13/2018)
07/13/2018	<u>61</u>	SUPPLEMENTAL MEMORANDUM to re Evidentiary Hearing, Evidentiary Hearing, filed by DAVID BURNHAM, SUSAN B. LONG. (Nelson, Scott) (Entered: 07/13/2018)
07/26/2018		MINUTE ORDER. The parties should be prepared to discuss the D.C. Circuit's recent decision in <i>Shapiro v. U.S. Department of Justice</i> , 893 F.3d 796 (D.C. Cir. 2018) at tomorrow's hearing. Signed by Judge Amit P. Mehta on 07/26/2018. (lcapm1) (Entered: 07/26/2018)
07/27/2018		Minute Entry for proceedings held before Judge Amit P. Mehta: Oral Argument held on 7/27/2018. (Court Reporter: William Zaremba) (zjd) (Entered: 07/27/2018)
08/13/2018		MINUTE ORDER. After review of the sealed portion of the <u>56</u> transcript for the evidentiary hearing held on May 8, 2018, the court hereby orders that the following pages of the sealed transcript be unsealed and placed on the public record: page 126, lines 3–25, and pages 127, 128, and 129. The evidentiary record in this matter is now closed, and the court will proceed to resolve the remaining issues. Signed by Judge Amit P. Mehta on 08/13/2018. (lcapm1) Modified on 8/15/2018 (lcapm1,). (Entered: 08/13/2018)
08/15/2018	<u>62</u>	<p>TRANSCRIPT OF REDACTED EVIDENTIARY HEARING PROCEEDINGS NOW INCLUDING PAGE 126, LINES 3–25, AND PAGES 127, 128, AND 129 before Judge Amit P. Mehta held on May 8, 2018; Page Numbers: 1–188. Date of Issuance: August 15, 2018. Court Reporter/Transcriber: William Zaremba; Telephone number: (202) 354–3249. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, PDF or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 9/5/2018. Redacted Transcript Deadline set for 9/15/2018. Release of Transcript Restriction set for 11/13/2018.(wz) (Entered: 08/15/2018)</p>
08/07/2019	<u>63</u>	NOTICE OF SUBSTITUTION OF COUNSEL by John Moustakas on behalf of CUSTOMS AND BORDER PROTECTION, IMMIGRATION AND CUSTOMS ENFORCEMENT Substituting for attorney Melanie Hendry (Moustakas, John) (Entered: 08/07/2019)